

C O P Y

in opinion

October 4, 1954

Miss Ruth G. Morgan
Acting Labor Commissioner
Star Building - Pleasant Street
Concord, New Hampshire

Dear Miss Morgan:

This is in response to the question raised in the third paragraph of your memorandum of October 1. Your question had reference to sections 21 and 28-a of Revised Laws, chapter 213, the latter section having been inserted by chapter 82 of the Laws of 1951. These sections require that employers keep records of the hours worked and the wages paid the employees. You asked whether your department could require that the records be kept at the employer's place of business. The question apparently has been raised by certain employers who have engaged bookkeeping services located outside of their establishments.

It is the opinion of this office that the Department of Labor does not have the authority to require that the records in question be maintained at the employer's place of business. All that the sections in question require is that the records be open to inspection by the Commissioner or his authorized representative at any reasonable time. The mere fact that the records are not kept at the employer's place of business would not violate this requirement as long as the records are located within the State and open for inspection.

Very truly yours,

Elmer T. Bourque
Law Assistant

ETB/aml

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